

REMARKS

Reconsideration and further examination of the subject patent application in view of the RCE submitted herewith and in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-26 are currently pending in the application. Claims 1-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,970,915 to Partovi et al. ("Partovi") in view of EP 0903921 A2 to Foladare, et al. ("Foladare"). Claims 1, 3, 9, 10, 11, 12, 13, 14, 16, and 20 have been amended for clarification. After careful review of the claims and references, it is believed that all the claims are in allowable form and a Notice of Allowance is therefore respectfully requested.

Claims 1-26 have been rejected as obvious over Partovi in view of Foladare. The independent claims 1, 12, and 16 have been amended to clarify that they concern "an administrator responsible for management of the call center including management of the plurality of agents" and to "providing the operational information about the call center management to the administrator". An administrator of the call center is defined in the specification as a person who is "responsible for the management of the call center" (p. 5, lines 13-19). Information about the call center is described on p. 5, lines 20-26, and in the table on page 6 of the patent specification; and by examples such as at page 12, lines 16-19 of the specification. Thus, independent claims 1, 12 and 16 are clearly limited to providing operational information about the call center management including agent management to the administrator. Claims 12 and 20 have also been amended to recite learning a pattern of regularly used commands to automatically provide regularly requested information. Claim 9 has been amended to claim specific operational information (see e.g., Table, p. 6), claims 13 have been amended to

add a translation from request to command, and claim 14 adds a barge-in feature. Claims 3, 10, and 11 have been amended for clarification.

In contrast to the agent based call center of independent claims 1, 12, and 16, Partovi is directed to providing streaming content to users. A system like Partovi would not allow its customers to have access to administrator management data. The Office Action cites Fig. 5, element 512 as showing a voice response server providing operational information but this just shows a “present content” step 512 in a flow diagram for providing personalized content not management operational information. The cited portions of Partovi at Col. 5, lines 15-30 merely describes that the system may adapt its voice character, and make purchase suggestions, but does not describe providing operational information to administrators about the call center management (voice character/dialect information is not provided to the caller, it is used by the system) nor does it discuss providing any information to an administrator. Similarly at Col. 15, lines 30-45, Partovi merely describes the customer ability to specify topics to be played to that specific customer, but call center management information is not provided. While Partovi streams information to callers instead of providing operational information about the call center management, Partovi does not disclose, or provide operational information about call center management as claimed.

Claim 1, 12, and 16 are also limited to providing information about the call center management to the “administrator responsible for management of the call center.” In contrast and as demonstrated above, Partovi fails to provide any teaching or suggestion of connecting to or providing information to “an administrator responsible for management of the call center.” The term “administrator” is well defined in the specification (P. 5, lines 13-19) and claims,

referring to one who is “responsible for management of the call center including management of the plurality of agents” which clearly excludes the customers of the information streaming system of Partovi. The cited portions of Partovi at Col. 4, lines 26-40 and Col. 15, lines 6-17 describes only the customer content selection, and customer profiles and personalization for that specific customer, not access by an administrator who manages the call center. In fact, the Partovi system isn’t even a call center and has no agents, it is a system for providing streaming content to customers automatically over the telephone and thus doesn’t require the complex management required by a call center. Thus, Partovi’s streaming content system is an entirely different type of system than that claimed and doesn’t present the same management issues.

The Office Action concedes that Partovi does not disclose that users are administrators responsible for management of the call center but cites Foladare (Col. 1, line 56-Col. 2, lines 9 and Col. 2, lines 25-33) as teaching administrators (CSRs) responsible for management. However, CSRs are defined as remotely located customer service representatives (Col. 1, line 58-Col. 2, line 1). Customer service representatives are well known in the art as agents of the call center (see Col. 1, lines 11-12) whose function is servicing calls from customers (see Col. 3, para. 0012), they are clearly not administrators. The Office Action appears to assume that customer service representatives are administrators. The cited Col. 1, line 56-Col. 2, line 9 refers to CSR’s as “customer service representatives (i.e., agents) with no description of administrative functions; and the cited Col. 2, lines 25-33 merely refers to conventional telephone controls such as hold, transfer, terminate, etc., not to operational management information including management of agents. Thus, the assumption that CSR’s are administrators is not supported by the well known definition in the call center art of administrators and agents or by the disclosure

of Foladare. The call control called for by Foladare is merely the control for the call assigned to the agent by the call center well known to be used by agents (hold, transfer, etc.). It does not concern control of the call center and does not involve providing operational information about call center management. Foladare specifically refers to “CSR’s” as “customer service representatives” that “receive and process incoming customer calls” (Col. 2, lines 20-21). There is simply no basis for converting these customer service representatives to administrators. Thus, Foladare merely describes agents, not administrators.

Even if Foladare did teach “administrators,” neither reference teaches or suggests processing voice requests from the administrators or providing operational information to them. The addition of Foladare’s CSRs to the Partovi would result in adding useless agents to a system which doesn’t have a use for agents. Even if the CSRs are characterized as administrators, this would merely provide Partovi’s system with administrators, who if they were instead a customer, could obtain general streamed information that a customer can obtain but not operation management information. Thus, Partovi combined with Foladare would not result in the claimed features without the extensive use of hindsight. Thus, the combination of Partovi and Foladare does not teach all of the elements of the independent claims 1, 12 and 16.

Claim 12 also now calls for recognizing and learning a pattern of regularly used commands, as do dependent claims 10, 18, and 20. The Office Action asserts that this is disclosed in Partovi at Col. 5, lines 15-25. However, this passage merely describes adapting its voice character (e.g., speech pattern and dialect) based on the caller’s telephone identifying information or caller’s voice, but does not describe learning a pattern of commands, nor does it disclose automatically providing information based on the pattern of commands. Thus, these

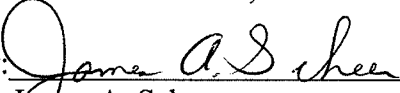
features are not disclosed by the cited references, and claims 10, 12, 18, and 20 are further distinguishable over the references for this reason.

Claims 11, 14, and 23 recite that a barge in request (as described on page 12, lines 10-13), interrupts information presentations. The Office Action indicates that Partovi describes this feature at Col. 7, lines 6-12. However, this passage merely describes making of explicit selection in the user profile but, there is no disclosure whatever of an interruption of presentations. Thus, these claims 11, 14, and 23 are believed to be further distinguishable over Partovi and Foladare.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
WELSH & KATZ, LTD.

By: 
James A. Scheer
Registration No. 29,434

May 28, 2008
WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500